

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

January 15, 2025
LAURA A. AUSTIN, CLERK
BY: s/J. Vasquez
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DAVID JOHN LEE,)
)
Plaintiff,)
)
v.)
)
RED ONION STATE PRISON *et al.*,)
)
Defendants.)

Case No. 7:24-cv-00865

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff David John Lee, proceeding *pro se*, filed a civil-rights complaint under 42 U.S.C. § 1983. (*See* Compl. [ECF No. 1].) On December 10, 2024, the Court ordered Plaintiff to submit a prisoner trust account report fully accounting for the six-month period immediately preceding the filing of the complaint. (Order 1–4 [ECF No. 3].) The Court advised Plaintiff that failure to submit the requested information within 30 days would result in dismissal of this action. (*Id.* at 2.)

More than 30 days have elapsed, and Plaintiff has not submitted the financial information as ordered. Accordingly, the Court will dismiss the action without prejudice for failure to prosecute and to comply with the Court's order. *See* Fed. R. Civ. P. 41(b). Plaintiff may refile the claims in a separate action, subject to the applicable statute of limitations, once Plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this opinion and the accompanying order to Plaintiff.

ENTERED this 15th day of January, 2025.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE